

REMARKS**INTERVIEW SUMMARY:**

In a telephone interview on December 5, 2005 between Craig Summerfield (Reg. No. 37,947) and Examiner Shechtman, claims 1 and 6 were discussed in light of Rose et al. (U.S. Patent No. 5,963,920).

Applicant's representative noted that claim 1 recites an order and recites that the order be sent to the supplier. An order is different than a notification. For a person of ordinary skill in the art, an order is a command, such as a command to deliver more pieces or an acceptance of an offer to ship more pieces. Rose et al. provide a "to ship" row that indicates a number of boxes that would be required to be shipped to the customer in order to completely fill the row (col. 6, lines 5-8). This and other information generated for display at the supplier in Rose et al. do not command delivery of pieces, so are not an order.

Applicant's representative also noted that Rose et al. send raw data (e.g., switch status and address) to the supplier (col. 5, lines 21-30) and supplier side software generates the display of information listed by the Examiner (col. 5, lines 50-54 and col. 6, lines 3-14). Rose et al. send switch status and address information, not the information relied by the Examiner as showing an order. Thus Rose et al. do not send an order.

The Examiner indicated that a further search may be necessary and that the arguments, after review of Rose et al. and the current specification, may overcome the rejections of claim 1. After noting that each of the independent claims include the limitation "order," the Examiner indicated the same resolution with respect the other independent claims. Independent claims 1, 11, 17, 20, 21 and 25 are allowable for similar reasons: (1) Rose et al. do not show an order; and (2) even if Rose et al. show an order, there is no order to send to another processor or supplier since the supplier software processes the data in Rose et al. to produce the information listed by the Examiner.

Claim 6 was also discussed. Applicant's representative noted that Rose et al. do not show sending a copy of the order regardless of the type of person for receiving the copy. Claim 6 has been amended to require sending the copy to at least two processors not at the supplier. Claim 6 is allowable.

New claim 32 has been added.

RESPONSE:

Claims 1-32 are pending in the application, including independent claims 1, 11, 17, 20, 21 and 25. Claims 1-31 were rejected.

The above-referenced patent application has been reviewed in light of the Office Action, dated October 18, 2005, in which: claims 1-4, 10-14, 17, 20, 27, 30, and 31 are rejected pursuant to 35 U.S.C. §102(b) as being anticipated by Rose et al. (U.S. Patent No. 5,963,920); claims 5, 15, 18, and 29 are rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Rose et al. and further in view of Salvo (U.S. Patent No. 6,341,271); claim 6 is rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Rose et al. and further in view of Guerindon (U.S. Patent No. 5,193,065); and claims 5-9, 15, 16, 18, 19, 21-26, and 28 are rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Rose et al. in view of Scotti (U.S. Patent No. 6,813,540).

Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Independent claim 1 recites automatically generating and sending an electronic order to a supplier. Rose et al. do not disclose these limitations. Rose et al. disclose providing a status of all box locations to the supplier (col. 2, lines 33-35 and 39-43; col. 5, lines 50-64; and Figure 7). The controller at the manufacturer receives status signals and transmits the status to the supplier (col. 5, lines 38-45). Software at the receiver then graphically displays information, such as the number of boxes that would be required to be shipped to completely fill the row ("to ship" row) (col. 5, lines 50-53 and col. 6, lines 3-8 and 26-32). The current status and a display for shipping are provided by software at the supplier (col. 6, lines 23-27 and Col. 7, lines 8-12). Rose et al. disclose the change in status when reordered parts reach the customer (col. 7, lines 13-18), but only provide for transmitting status information to the supplier. First, Rose et al. do not disclose a command for boxes or parts, and thus do not disclose an order. Second, supplier side software generates different status displays (Figures 7 and 8), not the controller at the manufacturer. Thus Rose et al. do not disclose automatically sending an electronic order to a supplier.

Similarly, independent claim 11 recites a processor operable to generate an electronic order in response to a sensor signal and the processor operable to communicate the order to a second processor. Rose et al. merely send sensor signals to the supplier, not an order. The supplier software generates displays, so an order is not communicated to a second processor.

Independent claim 17 recites electronically communicating orders to a supplier, and is thus allowable for at least the same reasons discussed above for claim 1.

Independent claim 20 recites a processor operable to communicate orders to a supplier, and is thus allowable for at least the reasons discussed above for claim 11.

Claims 2-4, 10, 27, and 30-32 depend from and include all the limitations of claim 1, as amended, and are thus in a condition for allowance for at least the same reasons as discussed for claim 1.

Claims 12-14 depend from and include all limitations of claim 11, as amended. Therefore, it is respectfully submitted that claims 12-14 are in a condition for allowance for at least the same reasons discussed above for claim 11.

Claims 5-9, 15-16, 18-19 and 28-29 depend from the independent claims 1 and 11, and are thus in a condition for allowance for at least the same reasons as discussed for claim 1 and 11.

Dependent claim 6 is additionally allowable. Both Rose et al. and the cited portion of Guccrindon et al. do not disclose sending a copy of an order or sending a copy of the order to at least two processors.

Independent claim 21 recites automatically generating and sending an electronic order to a supplier of one or more of the removed manufacturing pieces in response to the sensing. As discussed above for claim 1, Rose et al. do not disclose this limitation. Scotti appears to be directed toward replenishment indicators, and does not appear to contemplate electronic ordering from a supplier. It is respectfully submitted, therefore, that at least one element of claim 21, as previously amended, is absent from the cited art, and any alleged combination would still not result in a combination having each element of the rejected claim.

Claims 22-24 are distinguished from the cited art at least on the same basis, and are therefore also in a condition for allowance.

Referring to claims 25-26, neither Rose et al. nor Scotti appear to disclose: a system for automated replenishment notification for manufacturing pieces, comprising a rack, a sensor adjacent to the rack, the sensor positioned to sense a presence of a manufacturing piece on the rack, and a processor connected with the sensor, the processor operable to generate an electronic order in response to a signal from the sensor indicating a lack of the manufacturing piece, operable to communicate the electronic order to another processor, operable to sense a lack of replacement of the manufacturing piece after a time period in response to the sensor and operable to generate a notification in response to the lack of replacement. Applicant additionally relies on arguments presented with reference to the §103(a) rejections of similar claims, above. It is respectfully submitted, therefore, that at least one element of claims 25 and 26, as previously amended, is absent from the cited art, and any alleged combination would still not result in a combination having each element of the rejected claim. Therefore, at least one prong of the three-prong test for obviousness has not been satisfied, and a *prima facie* case of obviousness pursuant to §103 of the patent statute has not been made. It is, therefore, respectfully submitted that claims 25 and 26, as amended, are in condition for allowance.


CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (650) 943-7350. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

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